

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**INTERNATIONAL LONGSHORE AND
WAREHOUSE UNION, LOCAL 200, UNIT 16**

and

Case 19-CC-109002

SOUTHEAST STEVEDORING CORPORATION

DECISION AND ORDER

Statement of the Case

On February 20 and 21, 2014, the International Longshore and Warehouse Union, Local 200, Unit 16 (the Respondent), and the General Counsel of the National Labor Relations Board, respectively, entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. In the Stipulation, the Respondent waived all further and other proceedings before the Board to which it may be entitled under the National Labor Relations Act, as amended, and the Board's Rules and Regulations, as well as its right to contest the entry of a consent judgment or to receive further notice of the application therefor. On February 26, pursuant to the General Counsel's motion, Administrative Law Judge Gerald Etchingham issued an Order granting the motion and accepting and approving the formal settlement stipulation.¹

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.

¹ The Charging Party, Southeast Stevedoring Corporation, has not executed the settlement stipulation. The Charging Party contended to the judge that the terms of the proposed settlement do not sufficiently protect it from being required to re-litigate the issue presented in this case and that approval of a formal settlement agreement between the General Counsel and the Union, after the Charging Party has litigated the case and submitted its post-hearing brief, unfairly deprives it of a decision on the issues contested at the hearing. The judge addressed these concerns in his Order approving the settlement stipulation. After carefully considering the Charging Parties' objections, we agree with the judge that the settlement agreement effectuates the purposes of the Act.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

Findings of Fact

1. The Employer's business

At all material times, Southeast Stevedoring Corporation has been a corporation with an office and place of business in Ketchikan, Alaska, engaged in the business of, among other things, providing stevedoring services to the shipping, mining, lumber, and cruise ship industries.

During the twelve months preceding February 21, 2014, which period is representative of all material times, in conducting its operations described above, Southeast Stevedoring Corporation derived gross revenues in excess of \$500,000.

During the twelve months preceding February 21, 2014, which period is representative of all material times, in conducting its business operations described above, Southeast Stevedoring Corporation purchased and received at its Ketchikan, Alaska facility goods valued in excess of \$50,000 from points outside the State of Alaska.

At all material times, Southeast Stevedoring Corporation has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

2. The labor organization involved

At all material times, Respondent has been a labor organization within the meaning of Section 2(5) of the Act.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, as amended, the National Labor Relations Board orders that

The Respondent, International Longshore Warehouse Union, Local 200, Unit 16, its officers, agents, and representatives, shall

1. Cease and desist from

(a) Registering, filing, or processing grievances against the Charging Party where the object thereof is to unlawfully force or require the Charging Party to assign lines handling work on cruise ship tenders in Juneau, Alaska over which it does not have control, and/or to cease doing business with cruise lines.

2. Take the following affirmative action necessary to effectuate the policies of the Act

(a) Within 14 days of the Board's Order, withdraw the April 25, 2013 grievance and subsequent demand for arbitration filed against the Charging Party.

(b) Within 14 days of the Board's Order, post at the Respondent's facilities copies of the attached Notice to Employees and Members (Appendix) on forms provided by Region 19, after being signed by the Respondent's authorized representative. Copies of the Notice shall be posted by the Respondent and maintained for a period of 60 days in conspicuous places, including all places where notices to its members are normally posted and which are accessible to members performing work for the Charging Party in Juneau, Alaska. The Respondent should also provide sufficient Notices for the Charging Party to post at its Juneau, Alaska facility, if the Charging Party is willing. The Respondent will take reasonable steps to ensure that the Notices are not altered, defaced, or covered by any other material. Respondent shall also duplicate and mail, at its own expense, a copy of the Notice to all current and former members who have worked for the Charging Party in Juneau, Alaska at any time since April 25, 2013.

(c) Within twenty (20) days of the Board's Order, file with the Regional Director for Region 19 of the Board a sworn affidavit from a responsible official describing with specificity the manner in which Respondent has complied with the terms of the Board's Order, including providing the names and addresses of all current and former members the Notice was mailed to, and the locations of the posted documents.

Dated, Washington, D.C., May 29, 2014.

Mark Gaston Pearce, Chairman

Harry I. Johnson, III, Member

Nancy Schiffer, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX

NOTICE TO EMPLOYEES AND MEMBERS

Pursuant to a stipulation providing for a Board Order and a consent judgment of any appropriate United States Court of Appeals.

FEDERAL LAW GIVES YOU THE RIGHT TO:

Form, join, or assist a union;
Choose a representative to bargain with your employer on your behalf;
Act together with other employees for your benefit and protection;
Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

WE WILL NOT register, file or process grievances against Southeast Stevedoring Corporation where an object thereof is to unlawfully force or require Southeast Stevedoring Corporation to assign lines handling work on cruise ship tenders in Juneau, Alaska over which it does not have control, and/or to cease doing business with cruise lines.

WE WILL, within 14 days from the date of the approval of the Settlement Agreement, permanently withdraw the grievance filed on April 25, 2013 against Southeast Stevedoring Corporation.

INTERNATIONAL LONGSHORE WORKERS
UNION (ILWU) ALASKA LONGSHORE
DIVISION, UNIT #16

(Labor Organization)